# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/619,938 | 07/15/2003 | Robert S. Beck JR. | EXP.025A | 6839 |

20995     7590     08/15/2007
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

| EXAMINER |
|---|
| STACE, BRENT S |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2161 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 08/15/2007 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

PTOL-90A (Rev. 04/07)

| Office Action Summary | Application No. | Applicant(s) |
|---|---|---|
| | 10/619,938 | BECK ET AL. |
| | Examiner | Art Unit | |
| | Brent S. Stace | 2161 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on <u>24 May 2007</u>.

2a)☐ This action is **FINAL**.  2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) <u>1-30,36-46 and 51</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30,36-46 and 51</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07 November 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some *  c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

# DETAILED ACTION

### *Remarks*

1.      This communication is responsive to the Amendment filed May 24th, 2007.

Claims 1-30, 36-46, and 51 are pending.  In the Amendment filed May 24th, 2007,

Claims 1, 24, 36, and 51 are amended, Claims 47, 52, and 53 are canceled, and Claims

1, 36, and 51 are independent claims.

### *Continued Examination Under 37 CFR 1.114*

2.      A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection.  Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114.  Applicant's submission filed on May

24th, 2007 has been entered.

### *Response to Arguments*

3.      Applicant's arguments, filed May 24th, 2007, with respect to Claims 1-30, 36-46,

and 51 have been considered but are either not persuasive or moot in view of the new

ground(s) of rejection.

4.      With respect to the applicant's argument with respect to Claims 1-30, 36-46, and

51 for the prior art(s) allegedly not teaching "presenting to a user at least one webpage

that has at least one function unrelated to receiving answers from the user," the

examiner respectfully disagrees. Ruppelt in col. 4, lines 56-60 teaches that solution

recommendations (displaying answers that unrelated to receiving answers) are

displayed to a user (as in Fig. 3) and Ruppelt, col. 2, lines 57-67 teaches that solution

recommendations are JAVA enhanced HTML documents (web pages). This shows that

Ruppelt teaches "presenting to a user at least one webpage [solution recommendation]

that has at least one function unrelated to receiving answers from the user [because

solution recommendations display solutions/answers, it doesn't collect user answers]."

5.      With respect to the applicant's argument with respect to Claim 51 for the prior

art(s) allegedly not teaching "at least some of the plurality of online sites are located

remotely from and are functionally independent from a site providing the questions," the

examiner respectfully submits that this argument is moot in view of the new ground(s) of

rejection below.

6.      The other claims argued merely because of a dependency on a previously

argued claim(s) in the arguments presented to the examiner, filed May 24th, 2007, are

moot in view of the examiner's interpretation of the claims and art and are still

considered rejected based on their respective rejections from a prior Office action

(part(s) of recited again below).


*Response to Amendment*

### *Election/Restrictions*

7.      Since the claims that were directed to an invention that is independent or distinct

from the invention originally claimed were canceled (old Claims 47 and 53), the prior

election/restriction requirement has been withdrawn.

### *Specification*

8.      The lengthy specification has not been checked to the extent necessary to

determine the presence of all possible minor errors.  Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the

specification.

### *Claim Rejections - 35 USC § 112*

9.      In light of the applicant's respective arguments or respective amendments, the

previous 35 USC § 112 first and second paragraph rejections to the claims have been

withdrawn.

### *Claim Rejections - 35 USC § 102*

10.     The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11.     Claims 36, 37, 40, and 42-44 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,571,236 (Ruppelt).

**Claim 36** can be mapped to Ruppelt as follows: "A method of targeting an online site or document to a user based on the user's responses to questions, [Ruppelt, col. 1, lines 6-12 with Ruppelt, col. 2, lines 65-67 with Ruppelt, col. 3, lines 1-7 with Ruppelt, col. 3, lines 21-34 with Ruppelt, col. 4, lines 7-17] the method comprising:

- associating the online site or document with a predefined answer to a subsequent question, the subsequent question having a plurality of selectable answers including the predefined answer, each answer being configured to ascertain a user's interest in answering additional questions or in viewing the online site or document; [Ruppelt, col. 3, lines 35-37 with Ruppelt, col. 3, lines 58-61 with Ruppelt, col. 4, lines 1-15 with Ruppelt, col. 4, lines 55-60 with Ruppelt, Fig. 3]

- presenting to a user at least one webpage that has at least one function unrelated to receiving answers from the user; [Ruppelt, col. 2, lines 57-67 with Ruppelt, col. 4, lines 56-60]

- presenting to the user, one or more preliminary questions, each of the preliminary questions having predefined answers and being configured to determine the user's interest in additional preliminary questions or in the subsequent question; [Ruppelt, col. 4, lines 1-15 with Ruppelt, col. 4, lines 55-60]

- upon receiving an answer indicative of the user's interest in the subsequent

  question, presenting the subsequent question to the user; [Ruppelt, col. 4, lines

  10-14 with Ruppelt, col. 4, lines 1-3 with Ruppelt, col. 3, lines 58-61 with Ruppelt,

  col. 4, lines 46-50 with Ruppelt, Fig. 3 (note the window close boxes)]

- receiving one of the plurality of selectable answers to the subsequent question;

  [Ruppelt, col. 4, lines 7-13 with Ruppelt, col. 4, lines 30-33] and

- if the received answer is the predefined answer, retrieving the associated online

  site or document [Ruppelt, col. 4, lines 50-55] and providing the retrieved

  associated online site or document" [Ruppelt, col. 4, lines 30-33 with Ruppelt,

  Fig. 3].

**Claim 37** can be mapped to Ruppelt as follows: "The method of claim 36 wherein

said step of associating the online site or document with a predefined answer comprises

the step of:

- associating at least one keyword with the predefined answer, the at least one

  keyword being associated with the online site or document" [Ruppelt, col. 3, lines

  57-65].

**Claim 40** can be mapped to Ruppelt as follows: "The method of claim 37 wherein

the association between the keyword and the online site or document is based on

information from a search engine" [Ruppelt, col. 3, lines 57-61].

**Claim 42** can be mapped to Ruppelt as follows: "The method of claim 37 wherein

said step of presenting the question comprises displaying the question and the plurality

of selectable answers within the Web property" [Ruppelt, col. 4, lines 39-48 with

Ruppelt, Fig. 3].

**Claim 43** can be mapped to Ruppelt as follows: "The method of claim 36 wherein

the online site or document is at least one of a Web page and Web site" [Ruppelt, col. 3,

lines 30-34 with Ruppelt, col. 2, lines 57-67].

**Claim 44** can be mapped to Ruppelt as follows: "The method of claim 37 wherein

the predefined answer is associated with a plurality of documents including the online

site or document, [Ruppelt, col. 4, lines 13-34] and wherein said step of retrieving the

associated online site or document includes:

selecting the online site or document from among the plurality of documents" [Ruppelt,

col. 4, lines 13-34].

## Claim Rejections - 35 USC § 103

12.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

various claims was commonly owned at the time any inventions covered therein were

made absent any evidence to the contrary. Applicant is advised of the obligation under

37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

13.    Claims 1, 2, 4, 5, 10-12, 17, 18, and 30 are rejected under 35 U.S.C. 103(a) as

being unpatentable over U.S. Patent No. 6,571,236 (Ruppelt) in view of U.S. Patent No.

6,393,581 (Friedman et al.).

   For **Claim 1**, Ruppelt teaches: "A method of generating a search engine query

for locating an online site in response to user responses to one or more questions,

[Ruppelt, col. 1, lines 6-12 with Ruppelt, col. 2, lines 65-67 with Ruppelt, col. 3, lines 21-

34 with Ruppelt, col. 4, lines 7-17] the method comprising:

- presenting to a user at least one webpage that has at least one function

  unrelated to receiving answers from the user; [Ruppelt, col. 2, lines 57-67 with

  Ruppelt, col. 4, lines 56-60]

- providing an option to the user to answer one ore more questions that are each

  associated with a plurality of predefined answers and designed to elicit

  information from a user so as to identify at least one of a plurality of online sites

  to present to the user, wherein at least one of the predefined answers is selected

  based at least in part on information about the user [Ruppelt, col. 3, lines 35-37

  with Ruppelt, col. 3, lines 58-61 with Ruppelt, col. 4, lines 1-11 with Ruppelt, col.

  4, lines 46-50 with Ruppelt, Fig. 3 (note the close window boxes)] ...

- presenting the one or more questions to the user; [Ruppelt, col. 4, lines 46-50]

- receiving in response to a question one of the plurality of predefined answers associated with the question, each of the received predefined answers being associated with a keyword; [Ruppelt, col. 3, lines 61-65 with Ruppelt, Fig. 3]

- generating a search engine query based at least in part on a keyword; [Ruppelt, col. 3, lines 7-10]

- identifying a plurality of online sites based at least in part on the keywords associated with the received predefined answers; [Ruppelt, col. 3, lines 35-44] and

- displaying at least one link to at least one of the identified online sites returned by the query" [Ruppelt, col. 3, lines 30-44 with Ruppelt, col. 4, lines 55-60].

Ruppelt discloses the above limitations but does not expressly teach:

- "...and at least some of the plurality of online sites are located remotely from a site providing the questions."

With respect to Claim 1, an analogous art, Friedman, teaches:

- "...and at least some of the plurality of online sites are located remotely from a site providing the questions" [Friedman, col. 12, lines 55-57 with Ruppelt, col. 2, lines 62-67].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Friedman and Ruppelt before him/her to combine Friedman with Ruppelt because both inventions are directed towards servicing clients of a web server.

Friedman's invention would have been expected to successfully work well with Ruppelt's invention because both inventions use a web server. Ruppelt discloses a method and apparatus for problem diagnosis and solution comprising online sites of solution documents. However, Ruppelt does not expressly disclose that at least some of these sites are located remotely from a site providing the questions. Friedman discloses a reliable time delay-constrained cluster for computing comprising a distributed web server.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Friedman and Ruppelt before him/her to take the distributed web server from Friedman and install it into the invention of Ruppelt, thereby offering the obvious advantage of distributing the pages across multiple computers to reduce overhead of accessing at least some of the pages along with providing questions. This makes a faster system. Alternatively, a distributed web server also increases reliability, fault-tolerance, upgradeability, and scalability (Friedman, Abstract).

**Claim 2** can be mapped to Ruppelt (as modified by Friedman) as follows: "The method of claim 1 wherein the step of providing comprises:

- retrieving a survey page, the page including at least one of the questions; [Ruppelt, col. 3, lines 35-37 with Ruppelt, Fig. 3] and

- presenting the survey page to a user within a Web property" [Ruppelt, col. 2, lines 56-67 with Ruppelt, Fig. 3].

**Claim 4** can be mapped to Ruppelt (as modified by Friedman) as follows: "The

method of claim 1 wherein the link is a uniform resource locator (URL) " [Ruppelt, col. 4,

lines 55-59].

**Claim 5** can be mapped to Ruppelt (as modified by Friedman) as follows: "The

method of claim 5 wherein the questions are stored according to a question profile, and

wherein each of the plurality of predefined answers is stored according to an answer

profile" [Ruppelt, cols. 3-4, lines 61-24].

**Claim 10** can be mapped to Ruppelt (as modified by Friedman) as follows: "The

method of claim 2 further comprising the step of:

- displaying the link in a window of the Web property" [Ruppelt, col. 3, lines 29-34

  with Ruppelt, Fig. 3].

**Claim 11** can be mapped to Ruppelt (as modified by Friedman) as follows: "The

method of claim 1 further comprising the step of:

- redirecting the user to the online site via the link" [Ruppelt, col. 3, lines 30-34].

**Claim 12** can be mapped to Ruppelt (as modified by Friedman) as follows: "The

method of claim 11 wherein the step of redirecting the user to the online site further

comprises displaying the online site in a window of the Web property" [Ruppelt, col. 3,

lines 30-34 with Ruppelt, col. 2, lines 57-67].

**Claim 17** can be mapped to Ruppelt (as modified by Friedman) as follows: "The

method of claim 1 wherein the step of retrieving a link comprises the steps of:

- retrieving a plurality of links; [Ruppelt, col. 4, lines 12-17]

- selecting at least one of the plurality of links" [Ruppelt, col. 4, lines 25-38].

**Claim 18** can be mapped to Ruppelt (as modified by Friedman) as follows: "The method of claim 1 wherein the step of selecting at least one of the plurality of links comprises:

- determining an order of preference from among the plurality of links; [Ruppelt, col. 4, lines 20-25]

- retrieving the link, wherein the link is highest in the order of preference" [Ruppelt, col. 4, lines 25-38].

**Claim 30** can be mapped to Ruppelt (as modified by Friedman) as follows: "The method of claim 1 further comprising the step of:

- presenting at least one additional question to the user based on the answer received to a previous question" [Ruppelt, col. 4, lines 10-13 with Ruppelt, col. 4, lines 46-50].


14.     Claims 3, 6, 7, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,571,236 (Ruppelt) in view of U.S. Patent No. 6,393,581 (Friedman et al.), further in view of U.S. Patent No. 5,884,302 (Ho).

For **Claim 3**, Ruppelt (as modified by Friedman) teaches: "The method of claim 2... the keywords" [Ruppelt, col. 3, lines 16-21 with Ruppelt, col. 4, lines 60-65].

Ruppelt (as modified by Friedman) discloses the above limitations but does not expressly teach:

- "...wherein the questions, the plurality of predefined answers, ... and the link are stored within a database."

With respect to Claim 3, an analogous art, Ho, teaches:

- "...wherein the questions, the plurality of predefined answers, ... and the link are stored within a database" [Ho, col. 20, lines 18-21].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Ho with Ruppelt (as modified by Friedman) because both inventions are directed towards answering questions on computer(s).

Ho's invention would have been expected to successfully work well with Ruppelt (as modified by Friedman)'s invention because both inventions use databases. Ruppelt (as modified by Friedman) discloses a method and apparatus for problem diagnosis and solution comprising asking questions to the user, and the user selecting answers to obtain links to documents, however Ruppelt (as modified by Friedman) does not expressly disclose that the questions and answers are stored in the database of Ruppelt (as modified by Friedman). Ho discloses a system and method to answer a question comprising an embodiment of storing questions and their answers in a database.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the storage architecture from Ho and install it into the method of Ruppelt (as modified by Friedman), thereby offering the obvious advantage of being able to quickly access a large library of questions and the associated answers.

**Claim 6** can be mapped to Ruppelt (as modified by Friedman and Ho) as follows: "The method of claim 3 wherein the link is associated with the keyword within the database" [Ruppelt, col. 3, lines 61-65 with Ruppelt, col. 4, lines 50-61].

**Claim 7** can be mapped to Ruppelt (as modified by Friedman and Ho) as follows:

"The method of claim 3 wherein the database is connected to a server hosting a Web

property" [Ruppelt, col. 2, lines 23-35 with Ruppelt, col. 2, lines 44-46 with Ruppelt, col.

2, lines 57-67 with Ruppelt, Fig. 1].

**Claim 13** can be mapped to Ruppelt (as modified by Friedman and Ho) as

follows: "The method of claim 3 wherein the step of retrieving a link comprises:

- querying the database to determine if the selected one of the plurality of answers

    is associated with the link; [Ruppelt, col. 3, lines 61-65 with Ruppelt, col. 4, lines

    50-60]

- retrieving the link from the database" [Ruppelt, col. 4, lines 50-60].

**Claim 19** can be mapped to Ruppelt (as modified by Friedman and Ho) as

follows: "The method of claim 3 wherein the step of providing the question comprises

the steps of:

- determining a rating associated with a question and the question's predefined

    answers; [Ruppelt, col. 3, lines 24-30 with Ruppelt, col. 4, lines 17-19]

- analyzing a plurality of questions stored in the database; [Ruppelt, col. 3, lines

    24-30]

- selecting one of the plurality of questions based on the determined rating"

    [Ruppelt, col. 4, lines 7-14 with Ruppelt, col. 4, lines 45-50].

Ruppelt does not teach determining a rating associated with the question and the

predefined answers. However, Ruppelt teaches rating answers to gain a higher degree

of relevancy. Therefore, this rating is applied to the case based reasoning tool of

Ruppelt to gain the obvious advantage of the processing circuit being able to determine

what best case based reasoning tool(s) to use on the user.

15.    Claims 14, 15, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 6,571,236 (Ruppelt) in view of U.S. Patent No.

6,393,581 (Friedman et al.) in view of U.S. Patent No. 5,884,302 (Ho), further in view of

U.S. Patent Application Publication No. 2003/0050929 (Bookman et al.)

For **Claim 14**, Ruppelt (as modified by Friedman and Ho) teaches: "The method

of claim 3."

Ruppelt (as modified by Friedman and Ho) discloses the above limitation but

does not expressly teach:

- "...wherein the keyword is provided to the database by a keyword auction

   provider."

With respect to Claim 14, an analogous art, Bookman, teaches:

- "...wherein the keyword is provided to the database by a keyword auction

   provider" [Bookman, paragraph [0153]].

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine Bookman with Ruppelt (as modified by Friedman and Ho) because

both inventions are directed towards using a database.

Bookman's invention would have been expected to successfully work well with

Ruppelt (as modified by Ho)'s invention because both inventions use databases.

Ruppelt (as modified by Ho) discloses a method and apparatus for problem diagnosis

and solution comprising using keywords, however Ruppelt (as modified by Friedman and Ho) does not expressly disclose that these keywords can come from a keyword auction provider. Bookman discloses automated creation and delivery of database content comprising sponsored dictionaries containing terms.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the dictionary of terms from Bookman and install it into the method of Ruppelt (as modified by Friedman and Ho), thereby offering the obvious advantage of a means of making money by the use of Ruppelt (as modified by Friedman and Ho)'s invention, and providing more results to users by using more keywords.

For **Claim 15**, Ruppelt (as modified by Friedman and Ho) teaches: "The method of claim 3."

Ruppelt (as modified by Friedman and Ho) discloses the above limitation but does not expressly teach: "...wherein the keyword is provided to the database by a sponsor."

With respect to Claim 15, an analogous art, Bookman, teaches: "...wherein the keyword is provided to the database by a sponsor" [Bookman, paragraph [0153]].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Bookman with Ruppelt (as modified by Friedman and Ho) because both inventions are directed towards using a database.

Bookman's invention would have been expected to successfully work well with Ruppelt (as modified by Friedman and Ho)'s invention because both inventions use databases. Ruppelt (as modified by Friedman and Ho) discloses a method and

apparatus for problem diagnosis and solution comprising using keywords, however Ruppelt (as modified by Friedman and Ho) does not expressly disclose that these keywords can come from a sponsor. Bookman discloses automated creation and delivery of database content comprising sponsored dictionaries containing terms.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the dictionary of terms from Bookman and install it into the method of Ruppelt (as modified by Friedman and Ho), thereby offering the obvious advantage of a means of making money by the use of Ruppelt (as modified by Friedman and Ho)'s invention, and providing more results to users.

For **Claim 20**, Ruppelt (as modified by Friedman and Ho) teaches: "The method of claim 19 wherein the step of determining a rating comprises the step of."

Ruppelt (as modified by Friedman and Ho) discloses the above limitation but does not expressly teach:

- "...determining a first value related to remuneration related to keywords associated with the question and the predefined answers."

With respect to Claim 20, an analogous art, Bookman, teaches:

- "...determining a first value related to remuneration related to keywords associated with the question and the predefined answers" [Bookman, paragraph [0153]].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Bookman with Ruppelt (as modified by Friedman and Ho) because both inventions are directed towards using a database.

Bookman's invention would have been expected to successfully work well with Ruppelt (as modified by Ho)'s invention because both inventions use databases. Ruppelt (as modified by Ho) discloses a method and apparatus for problem diagnosis and solution comprising using keywords, however Ruppelt (as modified by Friedman and Ho) does not expressly disclose the determination of a first value related to remuneration related to keywords associated with the question and the predefined answers. Bookman discloses automated creation and delivery of database content comprising sponsored dictionaries containing terms.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the dictionary of terms from Bookman and install it into the method of Ruppelt (as modified by Friedman and Ho), thereby offering the obvious advantage of a means of making money by the use of Ruppelt (as modified by Friedman and Ho)'s invention, and providing more results to users.

16.    Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,571,236 (Ruppelt) in view of U.S. Patent No. 6,393,581 (Friedman et al.), further in view of U.S. Patent No. 5,884,302 (Ho), further in view of U.S. Patent No. 6,539,392 (Rebane).

For **Claim 21**, Ruppelt (as modified by Friedman and Ho) teaches: "The method of claim 20 wherein the step of determining a rating further comprises the step of."

Ruppelt (as modified by Friedman and Ho) discloses the above limitation but does not expressly teach:

- "...determining a second value related to appeal of the user as to the question."

  With respect to Claim 21, an analogous art, Rebane, teaches:

- "...determining a second value related to appeal of the user as to the question"

  [Rebane, col. 25, lines 12-38].

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine Rebane with Ruppelt (as modified by Friedman and Ho) because

both inventions are directed towards presenting information and asking questions.

Rebane's invention would have been expected to successfully work well with

Ruppelt (as modified by Friedman and Ho)'s invention because both inventions use

questions and computers. Ruppelt (as modified by Friedman and Ho) discloses a

method and apparatus for problem diagnosis and solution comprising asking questions,

however Ruppelt (as modified by Friedman and Ho) does not expressly disclose that a

value is determined related to appeal of the user as to the question. Rebane discloses

a system and method for data collection, evaluation, information generation, and

presentation comprising consumer survey with calculated response rates.

It would have been obvious to one of ordinary skill in the art at the time of

invention to take the rating from Rebane and install it into the method of Ruppelt (as

modified by Friedman and Ho), thereby offering the obvious advantage of determining

the best question in the logic of Ruppelt to ask next based on other user(s) responses

or lack thereof.

17.    Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent No. 6,571,236 (Ruppelt) in view of U.S. Patent No. 6,393,581

(Friedman et al.), in view of U.S. Patent No. 5,884,302 (Ho) in view of U.S. Patent No.

6,539,392 (Rebane), further in view of U.S. Patent No. 6,941,323 (Galperin).

For **Claim 22**, Ruppelt (as modified by Friedman, Ho, and Rebane) teaches:

"The method of claim 21."

Ruppelt (as modified by Friedman, Ho, and Rebane) discloses the above

limitation but does not expressly teach: "...wherein the rating is derived using the first

value and the second value."

With respect to Claim 22, an analogous art, Galperin, teaches: "...wherein the

rating is derived using the first value and the second value" [Galperin, col. 15, lines 41-

45].

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine Galperin with Ruppelt (as modified by Friedman, Ho, and Rebane)

because both inventions are directed towards retrieving information.

Galperin's invention would have been expected to successfully work well with

Ruppelt (as modified by Friedman, Ho, and Rebane)'s invention because both

inventions use computers.  Ruppelt (as modified by Friedman, Ho, and Rebane)

discloses a method and apparatus for problem diagnosis and solution comprising

asking questions, however Ruppelt (as modified by Friedman, Ho, and Rebane) does

not expressly disclose that the rating is derived using the first value and the second

value.  Galperin discloses a system and method for image comparison and retrieval by

enhancing, defining, and parameterizing objects in images comprising calculating a weight by using values.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the weight calculations from Galperin and install it into the method of Ruppelt (as modified by Friedman, Ho, and Rebane), thereby offering the obvious advantage of determining the best question in the logic of Ruppelt (as modified by Friedman, Ho, and Rebane) to ask next based on calculated question characteristics.

**Claim 23** can be mapped to Ruppelt (as modified by Friedman, Ho, and Rebane) as follows: "The method of claim 22 wherein the step of determining a rating further comprises the step of:

- adding an additional value to the rating to weight the rating" [Rebane, col. 25, lines 15-20].


18.    Claims 8, 9, 16, 24-26, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,571,236 (Ruppelt) in view of U.S. Patent No. 6,393,581 (Friedman et al.), further in view of U.S. Patent No. 5,884,302 (Ho), further in view of U.S. Patent No. 6,647,383 (August et al.).

For **Claim 8**, Ruppelt (as modified by Friedman and Ho) teaches: "The method of claim 7."

Ruppelt (as modified by Friedman and Ho) discloses the above limitation but does not expressly teach: "...wherein the database is connected to a server hosting a Web portal."

With respect to Claim 8, an analogous art, August, teaches: "...wherein the database is connected to a server hosting a Web portal" [August, cols. 11-12, lines 65-2, with Ruppelt, col. 2, lines 56-67].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine August with Ruppelt (as modified by Friedman and Ho) because both inventions are directed towards hosting web pages for a searching/document retrieval service.

August's invention would have been expected to successfully work well with Ruppelt (as modified by Friedman and Ho)'s invention because both inventions use HTML documents. Ruppelt (as modified by Friedman and Ho) discloses a method and apparatus for problem diagnosis and solution comprising a web server that host web pages, and, through interaction, provide users with documents, however Ruppelt (as modified by Friedman and Ho) does not expressly disclose that the web server hosts a web portal. August discloses a system and method for providing interactive dialogue and interactive search functions to find information comprising collecting user information for use in the system.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the user information from August and install it into the method of Ruppelt (as modified by Friedman and Ho), thereby offering the obvious advantage of creating a web portal through the combination so the users of Ruppelt (as modified by Friedman and Ho) obtain information tailored to them.

**Claim 9** can be mapped to Ruppelt (as modified by Friedman, Ho, and August) as follows: "The method of claim 8 wherein the user and the Web portal are connected via the Internet" [Ruppelt, col. 2, lines 23-35 with Ruppelt, col. 2, lines 44-46 with Ruppelt, col. 2, lines 57-67 with Ruppelt, Fig. 1].

For **Claim 16**, Ruppelt (as modified by Friedman and Ho) teaches: "The method of claim 3."

Ruppelt (as modified by Friedman and Ho) discloses the above limitation but does not expressly teach: "...wherein the question is directed to at least one of demographic information of the user and an interest of the user."

With respect to Claim 16, an analogous art, August, teaches: "...wherein the question is directed to at least one of demographic information of the user and an interest of the user" [August, col. 15, lines 10-25 with August, col. 12, lines 44-47].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine August with Ruppelt (as modified by Friedman and Ho) because both inventions are directed towards a searching/document retrieval service.

August's invention would have been expected to successfully work well with Ruppelt (as modified by Friedman and Ho)'s invention because both inventions use a database. Ruppelt (as modified by Friedman and Ho) discloses a method and apparatus for problem diagnosis and solution comprising user interaction to provide users with documents, however Ruppelt (as modified by Friedman and Ho) does not expressly disclose that questions asked relate to demographic information of the user and an interest of the user. August discloses a system and method for providing

interactive dialogue and interactive search functions to find information comprising

collecting user information for use in the system.

It would have been obvious to one of ordinary skill in the art at the time of

invention to take the user information collection, both provisioned and learned, from

August and install it into the method of Ruppelt (as modified by Friedman and Ho),

thereby offering the obvious advantage of obtaining results supposedly of more interest

to the user.  In this combination, the learned information of the demographic information

becomes a form field for the provisioned data of user information so that if the user

enters this data, the system of August won't have to learn this information.

For **Claim 24**, Ruppelt (as modified by Friedman and Ho) teaches: "The method

of claim 21."

Ruppelt (as modified by Friedman and Ho) discloses the above limitation but

does not expressly teach: "...wherein the appeal of the user is based on at least one of

demographic information supplied by the user and interest information supplied from the

user."

With respect to Claim 24, an analogous art, August, teaches: "...wherein the

appeal of the user is based on at least one of demographic information supplied by the

user and interest information supplied from the user" [August, col. 15, lines 10-25 with

August, col. 12, lines 44-47].

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine August with Ruppelt (as modified by Friedman and Ho) because

both inventions are directed towards a searching/document retrieval service.

August's invention would have been expected to successfully work well with Ruppelt (as modified by Friedman and Ho)'s invention because both inventions use a database. Ruppelt (as modified by Friedman and Ho) discloses a method and apparatus for problem diagnosis and solution comprising user interaction to provide users with documents, however Ruppelt (as modified by Friedman and Ho) does not expressly disclose that the appeal of the user is based on at least one of demographic information supplied by the user and interest information supplied from the user. August discloses a system and method for providing interactive dialogue and interactive search functions to find information comprising collecting user information for use in the system.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the user information collection, both provisioned and learned, from August and install it into the method of Ruppelt (as modified by Friedman and Ho), thereby offering the obvious advantage of obtaining results supposedly of more interest to the user. In this combination, the learned information of the demographic information becomes a form field for the provisioned data of user information so that if the user enters this data, the system of August won't have to learn this information.

**Claim 25** can be mapped to Ruppelt (as modified by Friedman, Ho, and August) as follows: "The method of claim 24 wherein the demographic information supplied by the user is maintained in a profile within the database" [August, col. 12, lines 44-47].

**Claim 26** can be mapped to Ruppelt (as modified by Friedman, Ho, and August) as follows: "The method of claim 8 wherein the Web portal is contained within a window, and wherein displayed information is displayed within the window" [Ruppelt, Fig. 3].

**Claim 29** can be mapped to Ruppelt (as modified by Friedman, Ho, and August) as follows: "The method of claim 26 further comprising:

• presenting a plurality of additional links within the window, whereby selecting one of the additional links redirects the user to a second presented online site" [Ruppelt, col. 3, lines 30-34].


19.     Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,571,236 (Ruppelt) in view of U.S. Patent No. 6,393,581 (Friedman et al.), further in view of U.S. Patent No. 5,884,302 (Ho) in view of U.S. Patent No. 6,647,383 (August et al.), further in view of U.S. Patent No. 6,781,608 (Crawford).

For **Claim 27**, Ruppelt (as modified by Friedman, Ho, and August) teaches: "The method of claim 26."

Ruppelt (as modified by Friedman, Ho, and August) discloses the above limitation but does not expressly teach: "...wherein the presented online site is made at least partially opaque."

With respect to Claim 27, an analogous art, Crawford, teaches: "...wherein the presented online site is made at least partially opaque" [Crawford, col. 15, lines 4-10].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Crawford with Ruppelt (as modified by Friedman, Ho, and August) because both inventions are directed towards showing documents.

Crawford's invention would have been expected to successfully work well with Ruppelt (as modified by Friedman, Ho, and August)'s invention because both inventions use documents. Ruppelt (as modified by Friedman, Ho, and August) discloses a method and apparatus for problem diagnosis and solution comprising user interaction to provide users with documents, however Ruppelt (as modified by Friedman, Ho, and August) does not expressly disclose that the online site is made at least partially opaque. Crawford discloses a gradual image display comprising a blurred image representation of an image and controls to sharpen the image or accept it.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the image blurring and controls from Crawford and install them into the method of Ruppelt (as modified by Friedman, Ho, and August), thereby offering the obvious advantage of allowing the user to make a more informed decision as to whether to accept or reject the selected document returned.

For **Claim 28**, Ruppelt (as modified by Friedman, Ho, and August) teaches: "The method of claim 26."

Ruppelt (as modified by Friedman, Ho, and August) discloses the above limitation but does not expressly teach: "...wherein the presented online site further includes a displayed control so the user can more clearly view the presented Web page."

With respect to Claim 28, an analogous art, Crawford, teaches: "...wherein the presented online site further includes a displayed control so the user can more clearly view the presented Web page" [Crawford, col. 15, lines 15-34].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Crawford with Ruppelt (as modified by Friedman, Ho, and August) because both inventions are directed towards showing documents.

Crawford's invention would have been expected to successfully work well with Ruppelt (as modified by Friedman, Ho, and August)'s invention because both inventions use documents. Ruppelt (as modified by Friedman, Ho, and August) discloses a method and apparatus for problem diagnosis and solution comprising user interaction to provide users with documents, however Ruppelt (as modified by Friedman, Ho, and August) does not expressly disclose that the online site is made at least partially opaque. Crawford discloses a gradual image display comprising a blurred image representation of an image and controls to sharpen the image or accept it.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the image blurring and controls from Crawford and install them into the method of Ruppelt (as modified by Friedman, Ho, and August), thereby offering the obvious advantage of allowing the user to make a more informed decision as to whether to accept or reject the selected document returned.

20.   Claims 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,571,236 (Ruppelt) in view of U.S. Patent No. 6,178,420 (Sassano).

For **Claim 38**, Ruppelt teaches: "The method of claim 37 wherein said step of associating at least one keyword with the predefined answer comprises the step of

Ruppelt discloses the above limitation but does not expressly teach:

- "…associating the at least one keyword to at least one root term, the root term being associated with the predefined answer."

With respect to Claim 38, an analogous art, Sassano, teaches:

- "…associating the at least one keyword to at least one root term, the root term being associated with the predefined answer" [Sassano, col. 19, lines 54-65].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Sassano with Ruppelt because both inventions are directed towards using keywords.

Sassano's invention would have been expected to successfully work well with Ruppelt's invention because both inventions use computers. Ruppelt discloses a method and apparatus for problem diagnosis and solution comprising asking questions to the user, and the user selecting answers to obtain links to documents, however Ruppelt does not expressly disclose associating the at least one keyword to at least one root term, the root term being associated with the predefined answer. Sassano discloses related term extraction apparatus, method, and computer-readable medium comprising finding terms based on keywords. These terms, in turn, are keywords.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the term extraction from Sassano and install it into the method of Ruppelt, thereby offering the obvious advantage of building a more complete database

index for the user to search when keywords are used. This aids the user in finding
more related results.

21.     Claims 39, 41, 45, and 46 are rejected under 35 U.S.C. 103(a) as being
unpatentable over U.S. Patent No. 6,571,236 (Ruppelt) view of U.S. Patent No.
5,884,302 (Ho), further in view of U.S. Patent Application Publication No. 2003/0050929
(Bookman et al.)

    For **Claim 39**, Ruppelt (as modified by Ho) teaches: "The method of claim 37."

    Ruppelt (as modified by Ho) discloses the above limitation but does not expressly
teach:

- "...wherein the association between the keyword and the online site or document
    is based on information from a keyword auction provider."

    'With respect to Claim 39, an analogous art, Bookman, teaches:

- "...wherein the association between the keyword and the online site or document
    is based on information from a keyword auction provider" [Bookman, paragraph
    [0153] with Ruppelt, col. 3, lines 57-61].

    It would have been obvious to one of ordinary skill in the art at the time of
invention to combine Bookman with Ruppelt (as modified by Ho) because both
inventions are directed towards using a database.

    Bookman's invention would have been expected to successfully work well with
Ruppelt (as modified by Ho)'s invention because both inventions use databases.
Ruppelt (as modified by Ho) discloses a method and apparatus for problem diagnosis

and solution comprising using keywords, however Ruppelt (as modified by Ho) does not

expressly disclose that these keywords can come from a keyword auction provider.

Bookman discloses automated creation and delivery of database content comprising

sponsored dictionaries containing terms.

It would have been obvious to one of ordinary skill in the art at the time of

invention to take the dictionary of terms from Bookman and install it into the method of

Ruppelt (as modified by Ho), thereby offering the obvious advantage of a means of

making money by the use of Ruppelt's invention, and providing more results to users by

using more keywords.

**Claim 41** can be mapped to Ruppelt (as modified by Ho and Bookman) as

follows: "The method of claim 39 wherein said step of providing the online site or

document comprises the step of: providing a link to the online site or document via a

Web property" [Ruppelt, col. 3, lines 29-34 with Ruppelt, Fig. 3].

For **Claim 45**, Ruppelt (as modified by Ho) teaches: "The method of claim 44."

Ruppelt (as modified by Ho) discloses the above limitation but does not expressly

teach:

- "...wherein the step of selecting the online site or document is based at least

  partially on information provided by a keyword auction provider."

  With respect to Claim 45, an analogous art, Bookman, teaches:

- "...wherein the step of selecting the online site or document is based at least

  partially on information provided by a keyword auction provider" [Bookman,

  paragraph [0153] with Ruppelt, col. 3, lines 57-61].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Bookman with Ruppelt (as modified by Ho) because both inventions are directed towards using a database.

Bookman's invention would have been expected to successfully work well with Ruppelt (as modified by Ho)'s invention because both inventions use databases. Ruppelt (as modified by Ho) discloses a method and apparatus for problem diagnosis and solution comprising using keywords, however Ruppelt (as modified by Ho) does not expressly disclose that these keywords can come from a keyword auction provider. Bookman discloses automated creation and delivery of database content comprising sponsored dictionaries containing terms.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the dictionary of terms from Bookman and install it into the method of Ruppelt (as modified by Ho), thereby offering the obvious advantage of a means of making money by the use of Ruppelt's invention, and providing more results to users by using more keywords.

**Claim 46** can be mapped to Ruppelt (as modified by Ho and Bookman) as follows: "The method of claim 45 further comprising the steps of:

- determining that the online site or document has been provided; [Bookman, paragraph [0153]]

- receiving remuneration directly or indirectly from the keyword auction provider" [Bookman, paragraph [0153]].

22.     Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,571,236 (Ruppelt) in view of U.S. Patent No. 5,905,988 (Schwartz et al.).

        For **Claim 51**, Ruppelt teaches: "A method of generating a search engine query

for locating an online site in response to user responses to one or more questions,

[Ruppelt, col. 1, lines 6-12 with Ruppelt, col. 2, lines 65-67 with Ruppelt, col. 3, lines 21-

34 with Ruppelt, col. 4, lines 7-17] the method comprising:

- providing one or more questions that are each associated with a plurality of

    predefined answers and designed to elicit information from a user so as to

    identify at least one of a plurality of online sites to present to the user; [Ruppelt,

    col. 3, lines 35-37 with Ruppelt, col. 3, lines 58-61 with Ruppelt, col. 4, lines 1-11

    with Ruppelt, col. 4, lines 46-50 with Ruppelt, Fig. 3 (note the close window

    boxes)]

- receiving in response to a question one of the plurality of predefined answers

    associated with the question, each of the received predefined answers being

    associated with a keyword; [Ruppelt, col. 3, lines 61-65 with Ruppelt, Fig. 3]

- generating a search engine query based at least in part on a keyword; [Ruppelt,

    col. 3, lines 7-10]

- identifying a plurality of online sites based at least in part on the search engine

    query; [Ruppelt, col. 3, lines 35-44] and

- displaying at least one link to at least one of the identified online sites" [Ruppelt,

    col. 3, lines 30-44 with Ruppelt, col. 4, lines 55-60].

        Ruppelt discloses the above limitations but does not expressly teach:

- "...wherein at least some of the online sites are located remotely from and are functionally independent from a site providing the questions."

With respect to Claim 51, an analogous art, Schwartz, teaches:

- "...wherein at least some of the online sites are located remotely from and are functionally independent from a site providing the questions" [Schwartz, col. 18, lines 1-8 with Ruppelt, col. 2, lines 62-67].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Schwartz and Ruppelt before him/her to combine Schwartz with Ruppelt because both inventions are directed towards servicing clients of a webserver.

Schwartz's invention would have been expected to successfully work well with Ruppelt's invention because both inventions use a web server. Ruppelt discloses a method and apparatus for problem diagnosis and solution comprising online sites of solution documents. However, Ruppelt does not expressly disclose that at least some of these sites are located remotely from and are functionally independent from a site providing the questions. Schwartz discloses a method and apparatus for database transformation and adaptive playback (title) comprising a requesting a web page from an alternate web server if the download rate is too slow or if the web server does not respond quickly enough.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Schwartz and Ruppelt before him/her to take the use of an alternate web server from Schwartz and install it into the invention of Ruppelt,

thereby offering the obvious advantage of accessing the web page from a alternate site.

This provides a mediocre form of load balancing and data redundancy when a server is

unoperational thereby maintaining a high level of service even if the primary server

cannot adequately serve clients (according the minimum download rate and maximum
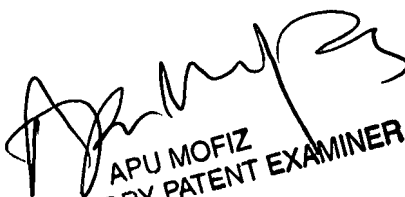
response time).

## *Conclusion*

23.     Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Brent S. Stace whose telephone number is 571-272-
8372 and fax number is 571-273-8372.  The examiner can normally be reached on M-F
9am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Apu M. Mofiz can be reached on 571-272-4080.  The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system.  Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Brent Stace

APU MOFIZ
SUPERVISORY PATENT EXAMINER